

Chairman Dwayne Cook called the meeting to order. Recording Secretary Dianna Rogers called the roll.

Members Present: Annie Metcalf  
Sherron Jackson  
Charles Booe  
Patti Cross  
Joel Schrader  
Charles Stewart  
Darrell Sanderson  
Dwayne Cook (8)

Members Absent: David Garnett  
Keith Lee (2)

There being a quorum, the meeting proceeded.

A motion was made by Mr. Sanderson to approve the minutes of the meeting of January 18, 2007. Mr. Booe stated a correction needed to be made on page 3, paragraph 7. He stated the motion for an amendment regarding a text amendment for city signage did not pass. The motion was seconded by Ms. Cross and carried unanimously with the correction being made.

Mr. Jackson noted that a meeting had been held on Tuesday with elected officials regarding the Goals and Objectives of the Comprehensive Plan. He added that David Garnett also attended and several other interested parties. Mr. Jackson thanked them for attending.

A motion was made by Mr. Jackson to approve the following bills for payment:

Dianna Rogers (Secretarial/PC – January)	\$ 300.00
Dianna Rogers (Secretarial/BZA – January)	75.00
Edwin Logan (PC/January - \$700.00)	
Edwin Logan (BZA/January - \$550.00)	1,250.00

The motion was seconded by Mr. Sanderson and carried unanimously.

There were no Reports of Officers, Standing Committees, Special Select Committees or Special Orders.

Under Staff Items, it was noted that item 1 of new business (Cellco Partnership – 375 Green Wilson Road) was removed from this agenda by the property owner's attorney and will be on the March agenda. Mr. Gary Muller, City Planning Director, was present and passed out the new by laws. Mr. Muller also introduced the new City Planning Supervisor, Maya DeRosa.

The first item of old business tabled from 12/14/06: In accordance with Part 7, Section 7.10.00 of the County's Subdivision and Development Plan Regulations, Quest Engineers, Inc., on behalf of M&W, LLC, for the development referenced as Parkside Development located at the southwest corner of the intersection of I-64 and Versailles Road is requesting a modification of standards to 1) Section 3.03.02 A - minimum right-of-way width; 2) Section 3.03.02 B. – design requirements of the right-of-way; 3) 3.03.07 D – emergency vehicle access design requirements; 4) 3.03.09 A – access/driveway design standards; 5) Section 3.03.06 – sidewalks; and 6) Section 3.07.02 – street trees. These modifications are requested to allow (A) the proposed roadway referenced as Woodall Boulevard to be 80' wide rather than 104' wide, to contain a design of the emergency access differently than depicted within the Code, to have a raised median at 8' in width rather than 16' in width, to have two inbound lanes at 12' in width rather than one at 14', and to have the required sidewalks and street trees outside of the right-of-way and within a 12' utility/sewer/planting easement; and (B) to allow the proposed roadway referenced as John David Dr. to be 70' wide rather than 80' wide. The subject site has the PVA map # of 086-00-00-021.00.

Mr. Charlie Jones, Attorney, was present for the applicant and stated since December there have been a lot of modifications worked on. He added Mr. Keith Messer of Quest was present as well to answer questions. Mr. Jones stated they were withdrawing all of the above requests except for 3.03.09 A were withdrawn. He stated 3.03.09A was the only request before them.

Mr. Jones stated this intersection requires the cooperation of many agencies: the Planning Commission, the County and DOT. He stated they needed a modification. He stated they wanted a 4' median instead of the required 16'. Mr. Jones stated Mr. Creasey, the PC's Traffic Consultant had seen this proposal. Mr. Jones stated that DOT sometimes has conflicting requirements than the Subdivision Regulations. Mr. Jones stated Mr. Creasey had no objection to the request and there was a letter to that effect in the packet. He added DOT verbally stated it was ok and Jeff Hackbart, Director of City Public Works, had no problem with the request.

Mr. Jones stated they met Section 1.09 because this was a superior alternative. He added for the inbound lanes they were proposing two 12' lanes instead of the required one 14' lane. He stated that is three additional feet of surface. Mr. Jackson stated the request might not be objected to by officials but it did not say it was a superior design. Mr. Jones added it was impractical to meet the requirement because the DOT won't allow a greater right-of-way cut. Mr. Jones stated DOT won't put that in writing that it was a superior design. He added they can't line up the road with Chenault Road if they do it the other way. He stated it will line up with the new design.

Mr. Bob Amato, 304 Stonehedge, asked if this request was just for these two things. Mr. Jones stated yes.

Mr. Tim Bower, LaGrange, was present regarding the impact of two properties (Johnson and Bowers) and asked how they would get through the two neighbors. He stated they could not come directly from 60 and go left to their property. He added the County would have to take a vote to close down a portion. He proposed they have an access road that brings them to the first available point they can turn into. Mr. Jones stated there is a vacant, commercial piece of property now they can do that on.

Mr. Gary Muller, City Planning Director, was present and stated there were no corrections to the staff report. He requested his staff report, testimony and power point be accepted into the record.

Mr. Muller stated staff recommended approval. He added he was at the state meeting where they did say this was the design they wanted. He added the state did prefer the 104 foot width. He stated they preferred no left turn at the entrance.

Mr. Edwin Logan, Commission Attorney, asked Mr. Muller if the State DOT preferred this scenario as opposed to what was required. Mr. Muller stated yes.

A motion was made by Mr. Jackson to establish findings of fact #2, page 12 of staff report; fact #3, page 12 of staff report were positive findings and finding #3 that testimony offered supported a superior design. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Jackson to approve the request of 3.03.09 A to have a raised median and to have two inbound lanes be approved based on the findings of fact and upon the applicant meeting review agency comments. The motion was seconded by Ms. Cross and carried unanimously.

Mr. Logan noted that staff has requested DOT provide their regulations for review.

The next item of business was tabled from 12-14-06: In accordance with Article 1, Section 1.08 of the County's Zoning Regulations, Quest Engineers, Inc., on behalf of M&W, LLC, for the development referenced as Parkside Development located at the southwest corner of the intersection of the intersection of I-64 and Versailles Road is requesting a waiver from Article 9, Section 9.03 – Areas of Karst Topography, Subsection 9.031 in order to obtain approval to fill any and all sinkholes and therefore eliminating the required 50' setback, PVA Map #086-00-00-021.00.

Mr. Charlie Jones stated they wanted to withdraw this item. Mr. Muller stated he concurred with the request to withdraw.

A motion was made by Mr. Jackson to withdraw the item based on on the applicant's request. The motion was seconded by Mr. Sanderson and carried unanimously.

The first item of new business was a request, in accordance with Part 7, Section 7.10.00 of the County's Subdivision and Development Plan Regulations, Quest Engineers, Inc., on behalf of M& W, LLC, for the development referenced as Parkside Development located at the southwest corner of the intersection of I-64 and Versailles Road, is requesting a modification of standards to Section 3.04.06 – Figure 3.11 – to allow the placement of sewer lines outside of the dedicated right-of-way. The subject site has the PVA map #of 086-00-00-021.00.

Mr. Jones stated their request met requirements for modification as the Sewer Department thought it was a superior design.

Mr. Muller stated page two needed to be removed from the staff report. He added staff supported the request. Mr. Muller stated there was some language in the ordinance that needed to be addressed.

A motion was made by Mr. Jackson to establish finding that the modification is consistent with the stated purpose and intent of these regulations and with the adopted Comprehensive Plan, #5 page 6 of the staff report, #2 page 6 of the staff report and #1 that it is a superior alternative. The motion was seconded by Mr. Sanderson. Those voting in favor: Ms. Metcalf, Mr. Jackson, Mr. Booe, Ms. Cross, Mr. Schrader, Mr. Sanderson, Mr. Cook. Voting against the motion: Mr. Stewart. The motion carried.

A motion was made by Ms. Cross and seconded by Mr. Sanderson that findings cease. The motion carried. Those voting in favor: Ms. Metcalf, Mr. Jackson, Mr. Booe, Ms. Cross, Mr. Schrader, Mr. Sanderson, Mr. Cook. Voting against the motion was Mr. Stewart. The motion carried.

A motion was made by Mr. Jackson to approve the request based on the findings of fact and subject to compliance with all review agencies. The motion was seconded by Mr. Sanderson. Those voting in favor: Mr. Jackson, Mr. Booe, Ms. Cross, Mr. Schrader, Mr. Sanderson, Mr. Cook. Those voting in opposition: Ms. Metcalf and Mr. Stewart. The motion carried.

The final item of new business was a request, in accordance with Section 16.08 of the County's Zoning Regulations, Mr. Charlie Jones, on behalf of M&W, LLC, for the development referenced as Parkside Development located at the southwest corner of the intersection of I-64 and Versailles Road for an interpretation of what constitutes an adjacent residential use in regards to their development and the adjacent agriculture zoned property with a PVA map # 086-00-00-021.00.

Mr. Charlie Jones, Attorney, stated an interpretation of Frances Canty's property was needed; was it AG or residential. He stated it is zoned AG. Mr. Jones stated there is one residential structure on the 98 acre property. He stated Day's Auto Sales and the Republic Bank came off of this property. He added the PVA office shows the property as agricultural land. Mr. Jones stated the Comprehensive Plan shows

the property as Agricultural. Mr. Jones stated the house is 350 feet off of the property line. Mr. Jones stated staff says if the property has a house on it is residential. Mr. Jones stated there are three agricultural properties in the city: the Noel Farm, Wilson's Nursery and this property. Mr. Jones stated if it is agricultural it affords setbacks.

Mr. Bill Ayer, Attorney, 326 West Main, asked if it was their intent to maintain a 20' buffer regardless of the interpretation. Mr. Jones stated yes.

Ms. Connie Lemley asked what the implications were of residential versus agricultural. Mr. Jones stated there were provisions in Article 11 that provide the criteria if it is AG or residential. He stated they were not bound by the "Big Box" regulations of Article 11. He stated they are pursuing voluntarily complying with the Big Box requirements. He stated in some regards if the property is considered agricultural the setback might be less. He added they already have a 350 buffer. He stated it also comes into play how far the docking bays are and the outdoor PA systems.

Mr. Ayer stated 11.05.07 A & B wouldn't apply anyway.

Mr. Gary Muller, City Planning Director, requested his staff report and power point presentation be entered into the record. He stated the property is zoned and taxed as Agriculture. He stated this property is in the County. Mr. Logan asked why they did not come in and get a waiver. Mr. Muller stated there were hurdles such as façade treatment and loading setbacks.

Ms. Diana Looney, 1118 Collins Lane, asked if they have to meet noise and not landscaping. Mr. Muller stated yes; they have a choice and that they can pick and choose Article 11 right now. Ms. Looney stated she was concerned the City Manager has the authority to run the Sewer Department and break laws.

Mr. Bill Ayer stated he represented Ms. Canty. He stated she intends to rehab the house and move into it. He stated she wants it to be interpreted as agricultural and she has assurances from Mr. Jones they would be maintaining the 20 foot buffer.

Mr. Jackson made a motion that there is no residential structure within 200 feet of the property line; the property is AG use and AG zoned; the property is identified as an AG district; such interpretation would allow more stringent requirements. The motion was seconded by Ms. Cross. Those voting in favor: Mr. Jackson, Mr. Booe, Ms. Cross, Mr. Schrader, Mr. Stewart, Mr. Sanderson, Mr. Cook. Voting against: Ms. Metcalf. The motion carried.

Mr. Jones requested they be on the March agenda for a Preliminary  
Subdivision Plat.

A motion was made by Mr. Sanderson and seconded by Mr.  
Schrader to adjourn. The motion carried unanimously.

\_\_\_\_\_  
Chairman Dwayne Cook

\_\_\_\_\_  
Recording Secretary Dianna  
Rogers